

Initiative 2023-24 #90: Right to Abortion

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Section 1. Legislative declaration. WE, THE VOTERS OF THE STATE OF COLORADO, HEREBY FIND AND DECLARE:

- (a) COLORADO HAS BEEN A LEADER IN AFFIRMING THE RIGHT TO ABORTION SINCE 1967.
- (b) IN 1984, COLORADO ADOPTED AMENDMENT 3 WHICH HAS HAD THE UNINTENDED CONSEQUENCES OF DENYING HEALTH INSURANCE COVERAGE FOR ABORTION SERVICES FOR STATE AND LOCAL PUBLIC EMPLOYEES, EVEN IN CASES OF RAPE, INCEST, CONTINUATION OF A PREGNANCY THAT GRAVELY ENDANGERS THE PATIENT'S HEALTH, OR EVEN WHEN IT IS CLEAR THERE IS A FATAL FETAL CONDITION.
- (c) AMENDMENT 3 ALSO PREVENTS USE OF HEALTH INSURANCE COVERAGE PROVIDED THROUGH MEDICAID FOR ABORTION SERVICES, EVEN WHEN CONTINUING THE PREGNANCY GRAVELY ENDANGERS THE PATIENT'S HEALTH OR WHEN IT IS CLEAR THERE IS A FATAL FETAL CONDITION.
- (d) IN 2022, THE UNITED STATES SUPREME COURT REVERSED THE LONG-STANDING DECISION OF *ROE V. WADE* THAT HAD PROVIDED FEDERAL CONSTITUTIONAL PROTECTION FOR ABORTION RIGHTS, LEAVING DECISIONS ABOUT THE RIGHT TO ABORTION UP TO POLICY MAKERS AT THE STATE LEVEL.
- (e) IN 2024, COLORADO VOTERS RECOGNIZE AMENDMENT 3 HAS HAD DISCRIMINATORY AND HARMFUL EFFECTS ON STATE AND LOCAL PUBLIC EMPLOYEES AND THOSE ENROLLED IN STATE SPONSORED INSURANCE PROGRAMS AND THEIR FAMILIES.
- (f) VOTER REVERSAL OF THIS POLICY IS CONSISTENT WITH U.S. SUPREME COURT RULINGS ON RECOGNIZING EQUAL ACCESS TO RIGHTS, SUCH AS THE RIGHT TO VOTE. *Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966). THEREFORE, IT IS TIMELY AND APPROPRIATE FOR VOTERS TO ENACT THIS AMENDMENT NOW.

Section 2. In the Colorado Constitution, Article II is **amended** by the addition of a new section 32 as follows:

Section 32. ABORTION

GOVERNMENT SHALL NOT DENY, IMPEDE, OR DISCRIMINATE AGAINST THE EXERCISE OF THE RIGHT TO ABORTION, INCLUDING PROHIBITING HEALTH INSURANCE COVERAGE FOR ABORTION.

Section 3. In the Colorado Constitution, section 50 of Article V is **repealed**.